



OFFERYNNAU STATUDOL
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WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1647 (Cy.155)

2010 No. 1647 (W.155)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Diwygiadau Amrywiol
ynghylch Rhagnodi Annibynnol)
(Cymru) 2010

The National Health Service
(Miscellaneous Amendments
Relating to Independent
Prescribing) (Wales) Regulations
2010

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud diwygiadau i'r Rheoliadau canlynol:

These Regulations make amendments to the following Regulations:

1. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992;
2. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004; a
3. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007,

1. The National Health Service (Pharmaceutical Services) Regulations 1992;
2. The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004; and
3. The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007,

y cyfeirir atynt gyda'i gilydd fel "y Rheoliadau perthnasol".

collectively referred to as "the relevant Regulations".

Mae'r newidiadau sydd wedi'u gwneud yn y Rheoliadau hyn yn egluro bod y term "nyrs sy'n rhagnodi'n annibynnol" ("*independent nurse prescriber*"), pan fo'n cael ei ddefnyddio, i'w ddehongli at ddiibenion y Rheoliadau perthnasol fel cyfeiriad at y term "nyrs-ymarferydd cymunedol sy'n rhagnodi" fel y diffinnir "*community practitioner nurse prescriber*" yng Ngorchymyn Meddyginiaethau drwy Bresgripsiwn yn Unig (I'w Defnyddio gan Bobl) 1997 ("y Gorchymyn MBU") a'r Gofrestr Nyrsio a Bydwreigiaeth (a gedwir yn unol â Gorchymyn Nyrsio a Bydwreigiaeth 2001).

The changes made in these Regulations clarify that for the purposes of the relevant Regulations where the term "independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*") is used it is to be construed as a reference to the term "community practitioner nurse prescriber" ("*nyrs-ymarferydd cymunedol sy'n rhagnodi*") as defined in the Prescription Only Medicines (Human Use) Order 1997 ("the POM Order") and the Nursing and Midwifery Register (which is maintained in accordance with the Nursing and Midwifery Order 2001).

Maer' Rheoliadau hyn yn gwneud diwygiadau yn y Rheoliadau perthnasol i'r diffiniad o "nyrs-ragnodydd annibynnol" ("*nurse independent prescriber*") a "rhagnodydd atodol" ("*supplementary prescriber*").

Mae'r Rheoliadau hyn yn diweddarau hefyd gyfeiriadau yn y Rheoliadau perthnasol at y diffiniad o "cofrestr berthnasol" ("*relevant register*").

These Regulations make amendments within the relevant Regulations, to the definition of "nurse independent prescriber" ("*nyrs-ragnodydd annibynnol*") and "supplementary prescriber" ("*rhagnodydd atodol*").

These Regulations also update references within the relevant Regulations to the definition of the "relevant register" ("*cofrestr berthnasol*").

2010 Rhif 1647 (Cy.155)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Diwygiadau Amrywiol
ynghylch Rhagnodi Annibynnol)
(Cymru) 2010

Gwnaed 21 Mehefin 2010
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 23 Mehefin 2010
Yn dod i rym 19 Gorffennaf 2010

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 47, 80, 83, 86, 121 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1) yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Diwygiadau Amrywiol ynghylch Rhagnodi Annibynnol) (Cymru) 2010 a deuant i rym ar 19 Gorffennaf 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Diwygio Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Gwasanaethau Fferyllol) 1992**

2.–(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(2) wedi'u diwygio'n unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) (dehongli) –

(a) yn lle'r diffiniad o "independent nurse prescriber" rhodder –

2010 No. 1647 (W.155)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Miscellaneous Amendments
Relating to Independent
Prescribing) (Wales) Regulations
2010

Made 21 June 2010
*Laid before the National
Assembly for Wales* 23 June 2010
Coming into force 19 July 2010

The Welsh Ministers, in exercise of the powers conferred by sections 47, 80, 83, 86, 121 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) make the following Regulations:

Title, commencement and application

1.–(1) The title of these Regulations is the National Health Service (Miscellaneous Amendments Relating to Independent Prescribing) (Wales) Regulations 2010 and they come into force on 19 July 2010.

(2) These Regulations apply in relation to Wales.

**Amendment of the National Health Service
(Pharmaceutical Services) Regulations 1992**

2.–(1) The National Health Service (Pharmaceutical Services) Regulations 1992(2) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) –

(a) for the definition of "independent nurse prescriber" substitute –

(1) 2006 p.42.

(2) O.S. 1992/662. Yr offerynnau diwygio perthnasol yw O.S. 2003/2624 (Cy. 252), O.S. 2007/205 (Cy.19) ac O.S. 2007/289.

(1) 2006 c.42.

(2) S.I. 1992/662. Relevant amending instruments are S.I.2003/2624 (W.252), S.I. 2007/205 (W.19) and S.I. 2007/289.

""independent nurse prescriber" means a person –

- (a) who is registered in the Nursing and Midwifery Register, and
 - (b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;"
- (b) yn lle'r diffiniad o "nurse independent prescriber" rhodder –

""nurse independent prescriber" means a person –

- (a) who is registered in the Nursing and Midwifery Register, and
 - (b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as:
 - (i) a nurse independent prescriber, or
 - (ii) a nurse independent/ supplementary prescriber, and
 - (c) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;"
- (c) yn lle'r diffiniad o "supplementary prescriber" rhodder –

""supplementary prescriber" means a person –

- (a) whose name is registered in –
 - (i) the Nursing and Midwifery Register,
 - (ii) Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007(1),
 - (iii) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(2),
 - (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(3) relating to–
 - (aa) chiropodists and podiatrists;
 - (bb) physiotherapists; or
 - (cc) radiographers: diagnostic or therapeutic, or
 - (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989(4); and

""independent nurse prescriber" means a person –

- (a) who is registered in the Nursing and Midwifery Register, and
 - (b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;"
- (b) for the definition of "nurse independent prescriber" substitute –

""nurse independent prescriber" means a person –

- (a) who is registered in the Nursing and Midwifery Register, and
 - (b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as:
 - (i) a nurse independent prescriber, or
 - (ii) a nurse independent/ supplementary prescriber, and
 - (c) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;"
- (c) for the definition of "supplementary prescriber" substitute –

""supplementary prescriber" means a person –

- (a) whose name is registered in –
 - (i) the Nursing and Midwifery Register,
 - (ii) Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007(1),
 - (iii) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(2),
 - (iv) the part of the register maintained by the Health Professions Council in pursuance of article 5 of the Health Professions Order 2001(3) relating to–
 - (aa) chiropodists and podiatrists;
 - (bb) physiotherapists; or
 - (cc) radiographers: diagnostic or therapeutic, or
 - (v) the register of optometrists maintained by the General Optical Council in pursuance of section 7 of the Opticians Act 1989(4); and

(1) O.S. 2007/289.

(2) O.S. 1976/1213 (N.I. 22).

(3) O.S. 2002/254.

(4) 1989 p. 44.

(1) S.I. 2007/289.

(2) S.I. 1976/1213 (N.I. 22).

(3) S.I. 2002/254.

(4) 1989 c 44.

- (b) against whose name in the relevant register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber save, in the case of the Nursing and Midwifery Register, where the annotation or entry signifies qualification as a nurse independent/supplementary prescriber;".

(3) Ar ôl rheoliad 2(1C), mewnosoder y paragraff canlynol –

"(1D) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber."

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004

3.–(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(1) wedi'u diwygio'n unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) (dehongli) –

- (a) yn lle'r diffiniad o "independent nurse prescriber" rhodder –

""independent nurse prescriber" means a person –

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) who is registered in the Nursing and Midwifery Register, and
- (c) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;"

- (b) yn lle'r diffiniad o "nurse independent prescriber" rhodder –

""nurse independent prescriber" means a person –

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) whose name is registered in the Nursing and Midwifery Register, and
- (c) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as–
 - (i) a nurse independent prescriber, or
 - (ii) a nurse independent/ supplementary

- (b) against whose name in the relevant register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a supplementary prescriber save, in the case of the Nursing and Midwifery Register, where the annotation or entry signifies qualification as a nurse independent/supplementary prescriber;".

(3) After regulation 2(1C), insert the following paragraph –

"(1D) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber."

Amendment of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

3.–(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(1) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) –

- (a) for the definition of "independent nurse prescriber" substitute –

""independent nurse prescriber" means a person –

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) who is registered in the Nursing and Midwifery Register, and
- (c) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;"

- (b) for the definition of "nurse independent prescriber" substitute –

""nurse independent prescriber" means a person –

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) whose name is registered in the Nursing and Midwifery Register, and
- (c) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as–
 - (i) a nurse independent prescriber, or
 - (ii) a nurse independent/ supplementary

(1) O.S. 2004/478 (Cy.48). Yr offerynnau diwygio perthnasol yw O.S. 2006/358 (Cy. 46), O.S. 2007/205 (Cy.19) ac O.S. 2007/289.

(1) S.I. 2004/478 (W.48). Relevant amending instruments are S.I. 2006/358 (W. 46) , S.I. 2007/205 (W.19) and S.I. 2007/289.

prescriber, and

(d) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;" ; a

(c) yn y diffiniad o "supplementary prescriber", ym mharagraff (c), ar ôl y geiriau "as a supplementary prescriber" ychwaneger, "save in the case of the Nursing and Midwifery Register, where the annotation signifies qualification as a nurse independent/supplementary prescriber".

(3) Ar ôl rheoliad 2(2) ychwaneger y paragraff canlynol –

"(3) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber"."

(4) Ym mharagraff 49(3) o Atodlen 6 hepgorer y geiriau "whose name is registered" hyd at y diwedd.

(5) Ym mharagraff 49(4) o Atodlen 6 hepgorer y geiriau o "whose name is registered" hyd at "as a supplementary prescriber" yn y ddau le y maent yn ymddangos.

Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007

4.–(1) Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007(1) wedi eu diwygio'n unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn rheoliad 2(1) (dehongli) –

(a) yn lle'r diffiniad o "nyrs sy'n rhagnodi'n annibynnol" ("*independent nurse prescriber*"), rhodder –

""ystyr "nyrs sy'n rhagnodi'n annibynnol" ("*independent nurse prescriber*") yw person –

(a) sydd wedi'i gofrestru yn y Gofrestr Nyrsio a Bydwreigiaeth, a

(b) y cofnodir yn erbyn ei enw yn y gofrestr honno nodyn neu gofnod yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel nyrs-ymarferydd cymunedol sy'n rhagnodi;" ;

(b) yn lle'r diffiniad o "nyrs-ragnodydd annibynnol" ("*nurse independent prescriber*") rhodder y canlynol –

""ystyr "nyrs-ragnodydd annibynnol" ("*nurse independent prescriber*") yw person –

(a) y mae ei enw wedi'i gofrestru yn y

prescriber, and

(d) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;" ; and

(c) in the definition of "supplementary prescriber", in paragraph (c), after the words "as a supplementary prescriber" add ", save in the case of the Nursing and Midwifery Register, where the annotation signifies qualification as a nurse independent/supplementary prescriber".

(3) After regulation 2(2) add the following paragraph–

"(3) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber"."

(4) In paragraph 49(3) of Schedule 6 omit the words "whose name is registered" to the end.

(5) In paragraph 49(4) of Schedule 6 omit the words from "whose name is registered" to "as a supplementary prescriber" in both places where they appear.

Amendment of the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007

4.–(1) The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007(1) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) –

(a) for the definition of "independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*"), substitute –

""independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*") means a person –

(a) who is registered in the Nursing and Midwifery Register, and

(b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber;" ;

(b) for the definition of "nurse independent prescriber" ("*nyrs-ragnodydd annibynnol*") substitute the following –

""nurse independent prescriber" ("*nyrs-ragnodydd annibynnol*") means a person –

(a) whose name is registered in the Nursing

Gofrestr Nyrsio a Bydwreigiaeth, a

(b) y cofnodir yn erbyn ei enw yn y gofrestr honno nodyn neu gofnod yn dynodi ei fod yn gymwys i archebu cyffuriau, meddyginiaethau a chyfarpar fel –

- (i) nyrs-ragnodydd annibynnol, neu
- (ii) nyrs-ragnodydd annibynnol/ atodol, ac

(c) sydd, o ran y person sy'n ymarfer yng Nghymru ar 19 Gorffennaf 2010 neu ar ôl y dyddiad hwnnw, wedi llwyddo mewn cwrs a achredwyd ar gyfer ymarfer fel nyrs-ragnodydd annibynnol;"

(c) yn y diffiniad o "cofrestr berthnasol" ("*relevant register*"), yn lle paragraff (b) rhodder y canlynol –

"(b)mewn perthynas â fferylllydd, Rhan 1 o'r gofrestr a gedwir o dan erthygl 10(1) o Orchymyn Fferyllwyr a Thechnegwyr Fferyllol 2007 neu'r gofrestr a gedwir yn unol ag erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976;"

(ch) yn y diffiniad o "rhagnodydd atodol" ("*supplementary prescriber*") –

- (i) yn lle paragraff (a)(ii), rhodder y canlynol –

"Rhan 1 o'r gofrestr a gedwir o dan erthygl 10(1) o Orchymyn Fferyllwyr a Thechnegwyr Fferyllol 2007;" a

- (ii) ym mharagraff (b) ar ôl y geiriau "fel rhagnodydd atodol", ychwaneger y geiriau ", ac eithrio yn achos y Gofrestr Nyrsio a Bydwreigiaeth, lle mae'r nodyn neu'r cofnod yn dynodi cymhwyster fel nyrs-ragnodydd annibynnol/atodol;" a

(d) yn y safle priodol mewnosoder y diffiniad canlynol –

""ystyr "y Gorchymyn MBU" ("*the POM Order*") yw Gorchymyn Meddiginiaethau drwy Bresgripsiwn yn Unig (I'w Defnyddio gan Bobl) 1997(1);".

(3) Ar ôl paragraff (2) o reoliad 2, mewnosoder y paragraff a ganlyn –

"(2A) Pan fo'r term "community practitioner nurse prescriber" yn ymddangos yn y Gorchymyn MBU neu'r Gofrestr Nyrsio a Bydwreigiaeth, mae i'w ddehongli at ddibenion y Rheoliadau hyn fel cyfeiriad at "nyrs-ragnodydd annibynnol"."

and Midwifery Register, and

(b) against whose name in that register is recorded an annotation or entry signifying that he or she is qualified to order drugs, medicines and appliances as–

- (i) a nurse independent prescriber, or
- (ii) a nurse independent/ supplementary prescriber, and

(c) who, in respect of a person practising in Wales on or after 19 July 2010, has passed an accredited course to practise as a nurse independent prescriber;"

(c) in the definition of "relevant register" ("*cofrestr berthnasol*"), for paragraph (b) substitute the following –

"(b)in relation to a pharmacist, Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007 or the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976;"

(d) in the definition of "supplementary prescriber" ("*rhagnodydd atodol*") –

- (i) for paragraph (a)(ii), substitute the following–

"Part 1 of the register maintained under article 10(1) of the Pharmacists and Pharmacy Technicians Order 2007;" and

- (ii) in paragraph (b) after the words "as a supplementary prescriber", add the words ", save in the case of the Nursing and Midwifery Register, where the annotation or entry signifies qualification as a nurse independent/supplementary prescriber;" and

(e) in the appropriate place insert the following definition –

""the POM Order" ("*y Gorchymyn MBU*") means the Prescription Only Medicines (Human Use) Order 1997(1);".

(3) After paragraph (2) of regulation 2, insert the following paragraph –

"(2A) Where the term "community practitioner nurse prescriber" appears in the POM Order or the Nursing and Midwifery Register it is to be construed for the purposes of these Regulations as a reference to an "independent nurse prescriber"."

Arbed

5. Bydd unrhyw berson sydd wedi cymhwyso i ymarfer yng Nghymru fel nyrs-ragnodydd annibynnol cyn i'r Rheoliadau hyn ddod i rym yn parhau i fod yn gymwys i wneud hynny er gwaethaf y newid i'r diffiniad o nyrs-ragnodydd annibynnol a fewnosdir yn –

- (a) Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992 gan reoliad 2(2)(b);
- (b) Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004 gan reoliad 3(2)(b); ac
- (c) Rheoliadau'r Gwasanaeth Iechyd Gwladol (Presgripsiynau am Ddim a Ffioedd am Gyffuriau a Chyfarpar) (Cymru) 2007 gan reoliad 4(2)(b).

Saving

5. Any person who was qualified to practice in Wales as a nurse independent prescriber before the coming into force of these Regulations continues to be qualified to do so notwithstanding the substitution of the definition of nurse independent prescriber in –

- (a) the National Health Service (Pharmaceutical Services) Regulations 1992 by regulation 2(2)(b);
- (b) the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 by regulation 3(2)(b); and
- (c) the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007 by regulation 4(2)(b).

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

21 Mehefin 2010

21 June 2010

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